



AN ACT ALLOWING A PERSON WHO PREVAILS IN AN ACTION TO ENFORCE THE CONSTITUTIONAL RIGHT TO PARTICIPATE TO BE AWARDED COSTS AND REASONABLE ATTORNEY FEES; AMENDING SECTION 2-3-114, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-3-114, MCA, is amended to read:

"2-3-114. Enforcement. (1) The district courts of the state have jurisdiction to set aside an agency decision under this part upon petition of any person whose rights have been prejudiced. A petition pursuant to this section must be filed within 30 days of the date on which the ~~petitioner~~ person learns, or reasonably should have learned, of the agency's decision.

(2) A person alleging a deprivation of rights who prevails in an action brought in district court to enforce the person's rights under Article II, section 8, of the Montana constitution may be awarded costs and reasonable attorney fees."

Section 2. Effective date. [This act] is effective on passage and approval.

Section 3. Applicability. [This act] applies to proceedings initiated on or after [the effective date of this act].

- END -

I hereby certify that the within bill,
HB 0447, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2015.

President of the Senate

Signed this _____ day
of _____, 2015.

HOUSE BILL NO. 447

INTRODUCED BY K. WAGONER

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